BORA LASKIN LAW LIBRARY
31761 06086311 5

L A W A N D P O V E R T Y

Readings, Problems, and Clinical Exercises

Edited by
James C. Hathaway
Osgoode Hall Law School

and

Robert Neill

2
VOLUME

Second Edition
1988

KE
2704
.A6
1987
LAW LIBRARY
FEB 25 1989
FACULTY OF LAW
UNIVERSITY OF TORONTO

FACULTY OF LAW LIBRARY
UNIVERSITY OF TORONTO

L A W A N D P O V E R T Y

Readings, Problems, and Clinical Exercises

VOLUME TWO

Edited by
James C. Hathaway
Osgoode Hall Law School

and

Robert Neill

Second Edition
1988

These materials are prepared exclusively for the use of students enrolled in the seminar in Law and Poverty at the Osgoode Hall Law School of York University and at the Faculty of Law of the University of Toronto. They may not be reproduced without the express consent of the authors of this book, and that of the author(s) of non-original text as identified herein.

Digitized by the Internet Archive
in 2019 with funding from
University of Toronto

https://archive.org/details/lawpovertyreadin01hath_0

TABLE OF CONTENTS

VOLUME TWO

CHAPTER 8: WORKERS' COMPENSATION 351

Written Assignment 352

Piva, The Workmen's Compensation Movement in Ontario 352
Weiler, Reshaping Workers' Compensation for Ontario . 368
Newhouse, Benefits Payable Under the Workers' Compensation Act 373
Workers' Compensation Board, You and the Workers' Compensation Act -- Your Rights and Obligations. 380
Butler, in the National. 384
The Globe and Mail, November 15, 1986. 385
Slotnick, Ruling on Chronic Pain is 'Historic' for WCB. 386
Slotnick, Employers angered by skyrocketing costs of workers' benefits. 388
Ferri, Injured at work: one person's fight for compensation 391
Hutchinson, Opposing No-Fault Insurance: Lawyers' Concern is Really for Profit. 394

Problem for Discussion in class 397

CHAPTER 9: MINIMUM WAGES AND THE WORKING POOR 406

Written Assignment 407

Employment Standards Act, Part V. 407
THE ECONOMIST. 419
West and McKee, Minimum Wages: The New Issues in Theory, Evidence, Policy and Politics 425
Ross, The Working Poor: Wage Earners and the Failure of Income Security Policies 452
Thornley, Minimum Wages and Adequate Income 456
Crawford, "Help Wanted - Apply Within 457
Canada Press, Minimum wage rising to $4.55 463
Behrens, Out of the ghetto of domestic toil 464
Sheppard, Domestic guaranteed overtime payments 468
Canadian Press, Farmers fear lack of hands for harvest . 470

Simulation Exercise 471

CHAPTER 10: THE GUARANTEED ANNUAL INCOME 472

Nuffield Canadian Seminar, Quebec, Why a Guaranteed Annual Income? 472
Kitchen, A Guaranteed Income: A New Look at an Old Idea 480
The Report of the Royal Commission on The Economic Union and Development Prospects for Canada 495
Evans, Holes in the Social Safety Net: The Macdonald Commission and the Guaranteed Annual Income 505
Cohen, Good Idea Goes Bad: Guaranteed Income or Guaranteed Poverty? 510

CHAPTER 11: EQUALITY RIGHTS 518

The Simulation of The Royal Commission 520

Gold, Moral and Political Theories in Equality Rights Adjudication 522
Westen, The Empty Idea of Equality 524
Greenwalt, How Empty is the Idea of Equality? 535
Nagel, The Meaning of Equality 545
Vickers, Majority Equality Issues of the Eighties . . . 550
Smith, Righting the Balance: Canada's New Equality Rights 552
Smith, Righting the Balance: Canada's New Equality Rights 554
Hathaway, Poverty Law and Equality Rights: Preliminary Reflections 560
Wain, The Impact of the Charter of Rights on Social Assistance 568
Ontario Ministry of the Attorney General, Sources for the Interpretation of the Equality Rights and the Charter 572
Petter, The Politics of the Charter 582
Hathaway, Poverty Law and Equality Rights: Preliminary Reflections 584
Finkelstein, Section 1 and 15 of the Canadian Charter of Rights and Freedoms and the Relevance of the U.S. Experience 584
Gibson, Reasonable Limits Under the Canadian Charter of Rights and Freedoms 585
Conlin, Interpreting and Applying the Limitations Clause: An Analysis of Section 1 587
Rauhala, Job quota for women is upheld 590
Makin, Court ruling may strike down Ontario day-care regulations 592
Howard, Charter adviser fears Americanization 594

CHAPTER 12: PROFESSIONAL RESPONSIBILITY, MORALITY, AND THE COLLECTIVE GOOD 596

Rules of Professional Conduct of the Law Society of Upper Canada 597
Board of Directors of the Canadian Association of Social Workers, Code of Ethics 600
National Association of Social Workers Code of Ethics (U.S.A.) 602
Kennedy, The Whorehouse Theory of Law 603
Hathaway, Poverty Law and Equality Rights: Preliminary Reflections 603

Fact Situation 604

Bellow and Moulton, The Lawyering Process 604

CHAPTER 13: THE PRACTICE OF POVERTY LAW 606

Wexler, Practising Law for Poor People 606
Carniol, Case Critical: The Dilemma of Social Work in Canada 623

Hypothetical 641